

PUBLIC HEALTH DEPARTMENT[641]

Adopted and Filed

Pursuant to the authority of Iowa Code section 135.181 as amended by 2016 Iowa Acts, House File 2460, sections 57 and 58, the Department of Public Health hereby adopts new Chapter 107, “Board-Certified Behavior Analyst and Board-Certified Assistant Behavior Analyst (BCBA/BCaBA) Grants Program,” Iowa Administrative Code.

The new chapter establishes rules to implement the board-certified behavior analyst and board-certified assistant behavior analyst grants program. The program provides grants to Iowa resident and nonresident applicants who are enrolled in a program to be eligible for board certification as a behavior analyst or assistant behavior analyst. The purpose of the program is to increase access to certified behavior analyst and certified behavior assistant analyst professionals. These rules were written in cooperation with the Department of Education and the Department of Human Services’ Autism Support Program.

Notice of Intended Action was published in the Iowa Administrative Bulletin as **ARC 2460C** on March 16, 2016. An Amended Notice of Intended Action was published in the Iowa Administrative Bulletin as **ARC 2621C** on July 20, 2016. The department received written comments, and a public hearing was held on August 17, 2016, and was attended by five members of the public.

Comments included discussion of the requirement of award recipients to provide supervision and discussion of the scope of practice violations for the profession. The Department will address these concerns in the Request for Proposal (RFP) application process to ensure that supervision requirements are met to the extent allowable by certification rules and employment site policies and procedures. Discussion included the quality of educational programming for online programs versus programs offered at a physical location. The Department will address this issue in the RFP application process by providing preference points for programs with a physical location. Additional comments were technical in nature. The Department changed incorrect references to a national Behavior Analyst Certification Board to the international Behavior Analyst Certification Board in the definitions of “board-certified assistant behavior analyst” and “board-certified behavior analyst.” Other than these technical corrections, the rules are identical to those published under Amended Notice of Intended Action.

The Department of Public Health adopted these rules on September 14, 2016.

After analysis and review of this rule making, it is projected that these rules will positively impact employment opportunities for board-certified behavior analysts and board-certified assistant behavior analysts in Iowa and increase access for Iowans to these health care services. The Department of Education and the Department of Human Services’ Autism Support Program have determined that there are insufficient numbers of board-certified behavior analysts and board-certified assistant behavior analysts to provide services to clients of the Autism Support Program and to the public. It is assumed that the establishment of this new program will provide health care agencies that are recruiting these practitioners opportunities to recruit behavior analysts after the analysts have completed their training and are certified. No formal estimates on the number of jobs are available.

These rules are intended to implement Iowa Code section 135.181 as amended by 2016 Iowa Acts, House File 2460, sections 57 and 58.

These rules will become effective November 16, 2016.

The following amendment is adopted.

Adopt the following **new** 641—Chapter 107:

CHAPTER 107

BOARD-CERTIFIED BEHAVIOR ANALYST AND BOARD-CERTIFIED ASSISTANT BEHAVIOR ANALYST (BCBA/BCaBA) GRANTS PROGRAM

641—107.1(135) Scope and purpose. The board-certified behavior analyst and board-certified assistant behavior analyst (BCBA/BCaBA) grants program is established to increase access for Iowans to applied behavior analysis services by providing grants to Iowa resident and nonresident applicants who have been accepted for admission or are attending a university, a community college, or an accredited private institution, within or outside the state of Iowa; are enrolled in a program, offered at a physical location or online, that is accredited and meets coursework requirements to prepare the applicant to be eligible for board certification as a behavior analyst or assistant behavior analyst; and demonstrate financial need.

641—107.2(135) Definitions. For the purposes of these rules, the following definitions shall apply:

“Board-certified assistant behavior analyst” or *“BCaBA”* means a person who has a bachelor’s degree from an accredited university, has completed approved coursework as defined by the international Behavior Analyst Certification Board, has completed a defined period of supervised practical experience, and has passed the BCaBA examination.

“Board-certified behavior analyst” or *“BCBA”* means a person who has an acceptable graduate degree from an accredited university as defined by the international Behavior Analyst Certification Board, has completed acceptable graduate coursework in behavior analysis, has completed a defined period of supervised practical experience, and has passed the BCBA examination.

“Department” means the Iowa department of public health.

“Director” means the director of the Iowa department of public health.

“Full-time enrollment” means the applicant is enrolled in a program to be eligible for board certification as a behavior analyst or assistant behavior analyst with the appropriate number of semester credit hours as defined by the educational institution.

“Nonresident” means a person who is not a resident.

“Part-time enrollment” means the applicant is enrolled in a program to be eligible for board certification as a behavior analyst or assistant behavior analyst with the appropriate number of semester credit hours as defined by the educational institution.

“Resident” means a natural person who physically resides in Iowa as the person’s principal and primary residence and who establishes evidence of such residency by providing the department with one of the following:

1. A valid Iowa driver’s license,
2. A valid Iowa nonoperator’s identification card,
3. A valid Iowa voter registration card,
4. A current Iowa vehicle registration certificate,
5. A utility bill,
6. A statement from a financial institution,
7. A residential lease agreement,
8. A check or pay stub from an employer,
9. A child’s school or child care enrollment documents,
10. Valid documentation establishing a filing for homestead or military tax exemption on property located in Iowa, or
11. Other valid documentation as deemed acceptable by the department to establish residency.

641—107.3(135) Eligibility criteria. To be eligible for a grant, the applicant shall:

107.3(1) Be an Iowa resident or nonresident.

107.3(2) Be accepted for admission to or be attending a university, a community college, or an accredited private institution, within or outside the state of Iowa, be enrolled in a program, offered at a physical location or online, that is accredited and meets coursework requirements to prepare the applicant to be eligible for board certification as a behavior analyst or assistant behavior analyst, and demonstrate financial need.

107.3(3) Have on file with the college student aid commission a current Free Application for Federal Student Aid (FAFSA) and Iowa Financial Aid Application or similar financial aid documentation from

another state and submit documentation of financial need as described in the department's request for proposal process.

107.3(4) Agree to practice in the state of Iowa for a period of time, not to exceed four years, as specified in the contract entered into between the applicant and the department at the time the grant is awarded.

107.3(5) Agree, as specified in the contract between the applicant and the department at the time the grant is awarded, that during the contract period, the applicant will assist in supervising an individual working toward board certification as a behavior analyst or assistant behavior analyst or to consult with schools and service providers that provide services and supports to individuals with autism.

641—107.4(135) Priority in grant awards. Priority in the awarding of a grant shall be given to resident applicants.

641—107.5(135) Amount of a grant. The department shall award funds based upon the amount set aside in the special fund, as identified in Iowa Code section 135.181 as amended by 2016 Iowa Acts, House File 2460, sections 57 and 58. Moneys appropriated to, and all other moneys specified for deposit in, the fund shall be dedicated to the board-certified behavior analyst and board-certified assistant behavior analyst (BCBA/BCaBA) grants program as established in Iowa Code section 135.181 as amended by 2016 Iowa Acts, House File 2460, sections 57 and 58. These rules shall be implemented only to the extent that funding is available. The amount of funding awarded to each applicant shall be based on the applicant's enrollment status (full-time enrollment or part-time enrollment), the number of applicants, and the total amount of available funds. The total amount of funds awarded to an individual applicant shall not exceed 50 percent of the total costs attributable to program tuition and fees, annually. Awarded grant funds will be payable to the student and prorated on the number of semesters or other terms of study to complete the program.

641—107.6(135) Use of funds. Funds awarded may be used to offset the costs attributable to tuition and fees for the accredited behavior analyst or assistant behavior analyst program.

641—107.7(135) Review process.

107.7(1) An applicant shall complete and submit an application to the program in the manner specified by the department. An applicant, if awarded a grant, shall enter into a contract with the department for up to a four-year period. The department shall follow requirements for competitive selection contained in 641—Chapter 176 in awarding these funds.

107.7(2) The department shall establish an application process for applicants eligible to receive funding. The application review process and review criteria for preference in awarding the grants shall be described in a request for proposals.

107.7(3) An applicant may appeal the denial of a properly submitted grant application. Appeals shall be governed by rule 641—176.8(135).

641—107.8(135) Reporting. The department shall submit a report to the governor and the general assembly by January 1, annually. The report shall include the number of applications received for the immediately preceding fiscal year; the number of applications approved; the total amount of funding awarded in grants in the immediately preceding fiscal year; the cost of administering the program in the immediately preceding fiscal year; and recommendations for any changes to the program.

These rules are intended to implement Iowa Code section 135.181 as amended by 2016 Iowa Acts, House File 2460, sections 57 and 58.

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